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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,264	08/27/2003	Joachim Henssler	VOI0272.US	7200
7590	01/10/2005		EXAMINER	
Todd T. Taylor Taylor & Aust, P.C. 142 S. Main Street P.O. Box 560 Avilla, IN 46710			HALPERN, MARK	
			ART UNIT	PAPER NUMBER
			1731	
			DATE MAILED: 01/10/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/649,264	HENSSLER, JOACHIM	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Halpern	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-146 is/are pending in the application.
- 4a) Of the above claim(s) 1-30 and 89-146 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 31-88 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/27/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Election/Restrictions***

- 1) Applicant's election without traverse of invention III, drawn on claims 31-88, in the reply filed on 11/29/2004, is acknowledged.

Claims 1-30, 89-146, are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

### ***Drawings***

- 2) Foreign language description on drawings, as for example in Figure 10, is not accepted.

### ***Specification***

- 3) Cross-Reference to Related Application(s) is not recited on page 1 of the Specification.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4) Claims 31-88, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 31 is not clear in line 4 reciting the phrase “producing at least one zonal pressure gradients the fibrous suspension...”. It appears to be improper syntax or there are words missing.

Claims 46-47: it is not clear as to what is “Varioline”. Trademark names may not be used in claims.

Claim 62: is not clear as to what is an angle of attack.

Claims 84, 86: the various types of paper recited are not clear, for example, liner, graphic or sack Kraft paper.

Claim 88 is not clear as to what defines  $R_L$  and  $R_Q$ .

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5) Claims 31-47, 53-54, 62-65, 67-76, are rejected under 35 U.S.C. 102(b) as being anticipated by Rauchmaul (AT 355 412, translated copy provided).

Claims 31-39, 63, 70: Rauchmaul discloses system and structures for dewatering a papermaking material in a forming zone wherein negative pressure gradient is adjusted in the cross direction over dewatering suction boxes under a wire carrying a fibrous web over a dewatering element, which reads on creating zonal pressure gradient under a moving web (pgs. 1-10).

Claim 40: foil strip is shown in Figure 2.

Claims 41-47, 65, 67-69, 71-74: slotted plate and its construction is shown in Figure 2.

Claims 53-54, 62, 64: dewatering element and its construction is shown in Figures 1-2.

Claims 75-76: negative pressure is used.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6) Claims 48-52, 55-61, 66, 77-88, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauchmaul.

Claims 48-52: Rauchmaul is applied as above for claim 38, Rauchmaul is silent on the curvature radius of a curved surface of a guiding element, however it would have been obvious to one skilled in the art at the time the invention was made, that the curvature radius of a curved surface of a guiding element be of any radius based on the process requirements to minimize the cost of dewatering.

Claims 55-61, 66: control systems for operating a paper machine are well known in the art.

Claims 77-88: it would have been obvious to one skilled in the art at the time the invention was made, that the dewatering can be carried with any papermaking machine, with regard to any number of plies formed, and with regard to any fiber or fiber suspension consistency.

### ***Conclusion***

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A handwritten signature in black ink, appearing to read "M. Halpern".

Mark Halpern